

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

TIMOTHY KRAMPITZ,

Civil No. 09-0559 (JRT/FLN)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

DAIN TOWER ANDERSON,

Defendant.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Franklin L. Noel, dated March 19, 2009, and no objections having been filed to said Report and Recommendation.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Plaintiff's "Application to Proceed Without Payment of Fees and Affidavit," [Docket No. 2], is **DENIED**; and
2. The action is summarily **DISMISSED** pursuant to 28 U. S. C. § 1915(e)(2)(B)(ii).

Dated: April 15, 2009
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge